



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,670	11/21/2001	Emmanuel Parasirakis	101957.125	9847

23483 7590 05/07/2007
WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON, MA 02109

EXAMINER

CHANDLER, SARA M

ART UNIT	PAPER NUMBER
----------	--------------

3693

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

05/07/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

teresa.carvalho@wilmerhale.com
tina.dougal@wilmerhale.com
michael.mathewson@wilmerhale.com

Office Action Summary

Application No.

09/989,670

Applicant(s)

PARASIRAKIS ET AL.

Examiner

Sara Chandler

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's arguments and request for reconsideration of application 09/989,670 (11/21/01) filed on 03/15/07.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re Claim 27: It is unclear what a "quantitative association" is. Is this a formula? Is the relative # of one type of object with respect to another type of object? How is this association derived? For purposes of claim interpretation "quantitative association" is any expressed number, quantity, measurement or amount. See MPEP § 2111.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Rime, US Pub. No. 2002/0128919.

Re Claim 18: Rime discloses a computer program product, residing on a computer-readable medium, for use in defining a relationship between a first type of object representing a first aspect of an order and a second type of object representing a second aspect of an order, the computer program product comprising instructions for causing a computer to create a data structure comprising (Rime, Fig. 12; [0014] [0055] [0056] computer features):

an identifier of an object of the first type (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects);

an identifier of an object of the second type (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects);

an identifier of a relationship type (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]); and

an identifier of a relationship quantity (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways"[0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033]

Art Unit: 3693

[0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]),

wherein the identifier of an object of the first type and the identifier of an object of the second type identify the objects being related (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects).

Re Claim 27: Rime discloses a computer program product, residing on a computer-readable medium, for use in structuring an order, the computer program product comprising instructions for causing a computer to:

create a plurality of objects of a plurality of types, each of the plurality of types representing an aspect of an order (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects); and

establish relationships between groups of the plurality of objects (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] “multiple gateways may be ‘interconnected’ and configured for processing of an order in a variety of ways” [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]),

wherein each group includes objects of different types (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] “multiple gateways may be ‘interconnected’ and configured for

Art Unit: 3693

processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]), and

wherein each relationship includes a quantitative association between objects within the group (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-17, 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rime, US Pub. No. 2002/0128919 in view of Helot, US Pub. No. 2002/0169675.

Re Claim 1: Rime discloses the method, comprising the steps of:

creating a plurality of order-related objects including (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects):

a plurality of a first type of object representing a first aspect of an order (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects);

and a plurality of a second type of object representing a second aspect of an order (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects); and

establishing a plurality of relationships between the plurality of a first type of object and the plurality of a second type of object (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]) .

Rime fails to explicitly disclose wherein the method is a method for structuring an order.

Helot discloses wherein the method is a method for structuring an order(Helot, Fig. 2[0006] [0007] [0021] [0022] [0028] [0031][0037] [0038] [0046] [0050]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rime by adopting the teachings of Helot to provide a method for structuring an order, comprising the steps of: creating a plurality of order-related objects including a plurality of a first type of object representing a first aspect of an order; and a plurality of a second type of object representing a second aspect of an order; and establishing a plurality of relationships between the plurality of a first type of object and the plurality of a second type of object.

As suggested by Rime, one would have motivated to improve time needed to process orders; improve efficiency; and provide greater options/variety in fulfilling orders. As suggested by Helot one would have been motivated to provided simple and intuitive ordering for costumers; and to permit the customer to interact and select options for their order.

Re Claim 2: Rime in view of Helot discloses the claimed method supra and Rime further discloses, wherein the step of creating a plurality of order-related objects includes creating one or more of a third type of object representing a third aspect of an order (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects); the method further comprising the step of establishing a plurality of relationships between the plurality of a first type of object and the one or more of a third type of object (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an

Art Unit: 3693

order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]).

Re Claim 3: Rime in view of Helot discloses the claimed method supra and Rime discloses the method, further comprising the step of establishing a plurality of relationships between the plurality of a second type of object and the one or more of a third type of object (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]).

Re Claim 4: Rime in view of Helot discloses the claimed method supra and Rime discloses the method, wherein the step of establishing a plurality of relationships between the plurality of a first type of object and the plurality of a second type of object includes establishing at least one relationship that is independent of the plurality of relationships between the plurality of a first type of object and the one or more of a third type of object (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel

and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]).

Re Claim 5: Rime discloses the method, wherein the step of creating a plurality of a first type of object includes creating a plurality of item objects (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects).

Re Claim 6: Rime in view of Helot discloses the claimed method supra and Rime discloses the method, wherein the step of creating a plurality of a second type of object includes creating a plurality of shipping objects (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects).

Re Claim 7: Rime in view of Helot discloses the claimed method supra and Helot discloses the method, wherein the step of creating a plurality of a second type of object includes creating a plurality of payment objects (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects).

Re Claim 8: Rime discloses the method, wherein the step of creating a plurality of a second type of object includes creating a plurality of cost center objects (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects).

Re Claim 9: Rime in view of Helot discloses the claimed method supra and Rime discloses the method, further comprising the steps of creating an order object and establishing a relationship between the order object and at least one of the order-related objects (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways"

Art Unit: 3693

[0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]).

Re Claim 10: Rime discloses a computer program product, residing on a computer-readable medium, the computer program product comprising instructions for causing a computer to (Rime, Fig. 12; [0014] [0055] [0056] computer features):

create a plurality of objects of a plurality of types, each of the plurality of types representing an aspect of an order (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects); and

establish relationships between groups of the plurality of objects (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]),

wherein each group includes objects of different types (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects), and

wherein each relationship includes an identifier of each object in the group and an identifier of a relationship type (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009]

"multiple gateways may be 'interconnected' and configured for processing of an order in

Art Unit: 3693

a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]).

Rime fails to explicitly disclose wherein the computer program product is for use in structuring an order.

Helot discloses wherein the computer program product is for use in structuring an order (Helot, Fig. 2[0006] [0007] [0021] [0022] [0028] [0031][0037] [0038] [0046] [0050]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rime by adopting the teachings of Helot to provide a computer program product, residing on a computer-readable medium, for use in structuring an order, the computer program product comprising instructions for causing a computer to: create a plurality of objects of a plurality of types, each of the plurality of types representing an aspect of an order; and establish relationships between groups of the plurality of objects, wherein each group includes objects of different types, and wherein each relationship includes an identifier of each object in the group and an identifier of a relationship type.

As suggested by Rime, one would have motivated to improve time needed to process orders; improve efficiency; and provide greater options/variety in fulfilling orders. As suggested by Helot one would have been motivated to provided simple and

intuitive ordering for costumers; and to permit the customer to interact and select options for their order.

Re Claim 11: Rime discloses a computer program product, residing on a computer-readable medium, the computer program product comprising instructions for causing a computer to (Rime, Fig. 12; [0014] [0055] [0056] computer features):

create one or more of a first type of object, the first type of object representing a first aspect of an order (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects);

create one or more of a second type of object, the second type of object representing a second aspect of an order (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects);

establish relationships between objects of the first type and objects of the second type (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]);

establish relationships between objects of the first type and objects of the third type (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel

Art Unit: 3693

and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]); and establish relationships between objects of the second type and objects of the third type(Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]).

Rime fails to explicitly disclose wherein the computer program product is for use in structuring an order.

Helot discloses wherein the computer program product is for use in structuring an order (Helot, Fig. 2[0006] [0007] [0021] [0022] [0028] [0031][0037] [0038] [0046] [0050]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rime by adopting the teachings of Helot to provide a computer program product, residing on a computer-readable medium, for use in structuring an order, the computer program product comprising instructions for causing a computer to: create one or more of a first type of object, the first type of object representing a first aspect of an order; create one or more of a second type of object, the second type of object representing a second aspect of an order; establish relationships between objects of the first type and objects of the second type; establish

relationships between objects of the first type and objects of the third type; and establish relationships between objects of the second type and objects of the third type.

As suggested by Rime, one would have motivated to improve time needed to process orders; improve efficiency; and provide greater options/variety in fulfilling orders. As suggested by Helot one would have been motivated to provided simple and intuitive ordering for costumers; and to permit the customer to interact and select options for their order.

Re Claim 12: Rime in view of Helot discloses the claimed computer program product supra and Rime discloses the computer program product, wherein the first type of object includes an item object (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects).

Re Claim 13: Rime in view of Helot discloses the claimed computer program product supra and Rime discloses the computer program product, wherein the second type of object includes a payment object (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects).

Re Claim 14: Rime in view of Helot discloses the claimed computer program product supra and Rime discloses the computer program product, wherein the second type of object includes a shipping object (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects).

Re Claim 15: Rime in view of Helot discloses the claimed computer program product supra and Rime discloses the computer program product, further comprising instructions for causing a computer to create an order object (Rime, Fig. 12; [0014]

Art Unit: 3693

[0055] [0056] i.e., computer related features; abstract, Figs. 1,2,3A,3B , abstract, [0009] “multiple gateways may be ‘interconnected’ and configured for processing of an order in a variety of ways” [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058])).

Re Claim 16: Rime in view of Helot discloses the claimed computer program product supra and Rime discloses the computer program product, further comprising instructions for causing a computer to establish a default object of the second type for use if no objects of the second type are created (Rime, Fig. 12; [0014] [0055] [0056] i.e., computer related features; abstract, Figs. 1,2,3A,3B , abstract, [0009] “multiple gateways may be ‘interconnected’ and configured for processing of an order in a variety of ways” [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058])).

Re Claim 17: Rime in view of Helot discloses the claimed computer program product supra and Rime discloses a computer program product, further comprising instructions for causing a computer to verify that an order is fully related to one or more objects of the second type (Rime, Fig. 12; [0014] [0055] [0056] i.e., computer related features;

Art Unit: 3693

abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058])).

Re Claim 23: Rime discloses an ordering system comprising: an order processing module programmed to:

provide representations of the items in an order, the one or more destinations to which the items are to be delivered, and the one or more payment mechanisms for paying for the order (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e., fields = types of objects);

establish relationships between individual of the representations of items and individual of the representations of destinations (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058])); and

establish relationships between individual of the representations of items and individual of the representations of payment mechanisms (Rime, abstract, Figs. 1,2,3A,3B ,

Art Unit: 3693

abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]), wherein the relationships between individual of the representations of items and individual of the representations of destinations axe independent of the relationships between individual of the representations of items and individual of the representations of payment mechanisms (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]).

Rime fails to explicitly disclose an ordering system comprising:

a user interface permitting a user to select items to be included in an order, one or more destinations for delivering the items in the order, and one or more payment mechanisms for paying for the order

Helot discloses an ordering system comprising:

a user interface permitting a user to select items to be included in an order, one or more destinations for delivering the items in the order, and one or more payment mechanisms for paying for the order (Helot, [0006] [0007] "The user interface also permits the consumer to interact with the ordering system and select any available options presented." [0008] [0009] "Finalizing the order may include, for example, specifying the method of payment or the method of shipment.") [0021] [0022] [0037] [0038] [0046] [0050]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rime adopting the teachings of Helot to provide an ordering system comprising: a user interface permitting a user to select items to be included in an order, one or more destinations for delivering the items in the order, and one or more payment mechanisms for paying for the order; and an order processing module programmed to: provide representations of the items in an order, the one or more destinations to which the items are to be delivered, and the one or more payment mechanisms for paying for the order; establish relationships between individual of the representations of items and individual of the representations of destinations; and establish relationships between individual of the representations of items and individual of the representations of payment mechanisms, wherein the relationships between individual of the representations of items and individual of the representations of destinations are independent of the relationships between individual of the representations of items and individual of the representations of payment mechanisms.

As suggested by Rime, one would have motivated to improve time needed to process orders; improve efficiency; and provide greater options/variety in fulfilling orders. As suggested by Helot one would have been motivated to provided simple and intuitive ordering for costumers; and to permit the customer to interact and select options for their order.

Re Claim 24: Rime in view of Helot discloses the claimed system supra and Rime discloses the ordering system, wherein each relationship includes an identifier of a relationship type (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]).

Re Claim 25: Rime in view of Helot discloses the claimed method supra and Rime discloses the method, wherein a first of the plurality of item objects represent a plurality of units (Rime, abstract; Figs. 1,2,3A,3B [0011] [0012] [0033] [0038] [0039] [0040] i.e, fields = types of objects); and wherein the step of establishing a plurality of relationships between the plurality of a first type of object and the plurality of a second type of object includes establishing a first relationship between a first subset of the plurality of units and a first of the second type of object and establishing a second relationship between a second subset of the plurality of units and a second of the second type of object (Rime, abstract, Figs.

1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]).

Re Claim 26: Rime in view of Helot discloses the claimed method supra and Rime discloses the method, wherein the plurality of relationships are based on information provided by an ordering user (Rime, abstract, Figs. 1,2,3A,3B , abstract, [0009] "multiple gateways may be 'interconnected' and configured for processing of an order in a variety of ways" [0010][0011] [0012] [0013] [0020] [0030] [0031] [0032] [0033] [0034] ref. the parallel and/or sequential processing of gateways, each gateway representing set of fields (i.e., objects) making up an order [0035] e.g., demonstrating how a specific item may require specific shipping, billing etc. [0036] [0037] [0038] [0039] [0040] [0042] [0058]).

Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rime, US Pub. No. 2002/0128919.

Re Claim 19, 20 and 22: Rime discloses the computer program product, wherein the identifier of a relationship quantity represents a portion of the order (Rime, [0010] [0011] [0012] [0013] [0016] [0017] [0029] [0030] refs. splitting or apportioning the order for processing depending on objects/fields such as the billing, warehouse/shipping location for a given portion of the order etc. [0031] [0032] [0033] [0035] [0037] [0050]

[0058]). Rime fails to explicitly disclose the computer program product, wherein the identifier of a relationship quantity: signifies a specific value for the extent of the relationship; or represents a remainder value for the extent of the relationship; or signifies a maximum value for the extent of the relationship. Official Notice is taken that it is old and well known that providing for a split or apportionment implies that a specific or maximum value can be subtracted from the whole and the left over portion is the remaining value.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rimes to adopt a computer program product, wherein the identifier of a relationship quantity: signifies a specific value for the extent of the relationship; or represents a remainder value for the extent of the relationship; or signifies a maximum value for the extent of the relationship. As suggested by Rimes, one would have been motivated to provide for efficient ordering.

Re Claim 21: Rime discloses the computer program product, wherein the identifier of a relationship type signifies that the relationship is for a portion of the order (Rime, [0010] [0011] [0012] [0013] [0016] [0017] [0029] [0030] refs. splitting or apportioning the order for processing depending on objects/fields such as the billing, warehouse/shipping location for a given portion of the order etc. [0031] [0032] [0033] [0035] [0037] [0050] [0058]). Rime fails to explicitly disclose the computer program product, wherein the identifier of a relationship type signifies that the relationship is for an amount remaining after one or more other relationships are satisfied. Official Notice is taken that it is old and well known that providing for a split or apportionment implies that a specific or

maximum value can be subtracted from the whole and the left over portion is the remaining value. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a computer program product, wherein the identifier of a relationship type signifies that the relationship is for an amount remaining after one or more other relationships are satisfied. As suggested by Rimes, one would have been motivated to provide for efficient ordering.

Response to Arguments

Oath Declaration

The objection (9/22/06) has been withdrawn.

112

The rejection claim 11 (9/22/06) has been withdrawn.

102/103

Applicant's arguments filed 3/15/07 have been fully considered but they are not persuasive.

In response to applicant's arguments, recitations occurring in the preamble have not been given patentable. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., Although also related to orders, the present application is very different. The claims of the present application refer, in different ways, to order-related objects of at least two types, where each type represents an aspect of an order. The claims also relate to the establishment of relationships between order-related objects of different types. Aspects of an order may be, for example, a portion of the items in the order, to where a portion of the order is shipped, or how the buyer is paying for a portion of the order. The relationships between different aspects of an order allows, for example, an order to have different parts shipped to different locations, or paid for using different payment mechanisms. Pg. 7 of Remarks filed 3/15/07)

are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The alleged distinctions between the disclosed invention and the prior art are not represented as limitations in the claims. The way the claims are presently drafted almost any prior art reference related to orders would necessarily read upon the claims.

The claims were given the broadest reasonable interpretation consistent with MPEP § 2111.

Definition of terms:

- (1) object- something seen, felt or perceived
- (2) aspect- part, feature or facet
- (3) relationship- connection
- (4) identifier- anything used to recognize or establish a particular person or thing

Example 1:

Art Unit: 3693

"first type of object representing a first aspect of an order" could be a first document representing the Warranties and Disclaimers of an order.

"second type of object representing a second aspect of an order" could be a second document representing the Purchase Agreement of an order.

The "relationship" between the two could be they are both required for a Product Order.

Example 2:

"first type of object representing a first aspect of an order" could be a first entry representing a name.

"second type of object representing a second aspect of an order" could be a second entry representing an address.

The "relationship" between the two could be they are both required for a Customer Order.

An "identifier" for example, could be a name, symbol, process etc. that would allow users to recognize the particular order that they are dealing with.

A "relationship type" and "relationship quantity" for example, could be the type of order (e.g., Product order, Customer order) and quantity of orders (e.g., 5, 6).

In Rime:

The "first gateway" (i.e. identifier) identifies the "first set of one or more fields of the order" (i.e., object of the first type). (Rime, [0011])

The "second gateway" (i.e., identifier) identifies the "second set of one or more fields of the order" (i.e., object of the second type). (Rime, [0011])

Art Unit: 3693

The “business specifications” for an order (i.e., relationship) can be identified by how “multiple gateways may be ‘interconnected’ and configured”. The relationship type and quantity can also be identified in a similar manner. (Rime, [0009], Figs. 1,2,3A,3B).

Applicant is reminded of what the MPEP states:

Though understanding the claim language may be aided by explanations contained in the written description, it is important not to import into a claim limitations that are not part of claim. For example, a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment. *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F. 3d 870, 875, 69 USPQ2d 1865,1868 (Fed. Cir.2004). See MPEP § 2111.01 II.

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Pruter*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See MPEP § 2111.

Re Claim 18

Please see response supra pertaining to broadest reasonable interpretation and explanation of Rime.

Please see response supra pertaining to features not recited in the claims.

Claims 1-9

Please see response supra pertaining to broadest reasonable interpretation and explanation of Rime.

Claims 10

Please see response supra pertaining to broadest reasonable interpretation and explanation of Rime.

Art Unit: 3693

Claims 11-17

Please see response supra pertaining to broadest reasonable interpretation and explanation of Rime.

Claims 23-24

Please see response supra pertaining to broadest reasonable interpretation and explanation of Rime.

Definition of terms:

(1) Independent- free from control, not relying on something else or not dependent.

In essence what the applicants are claiming is a system for processing an order that includes: items, the delivery location for the items and the payment for the items; making a determination regarding where the items will be delivered; making a determination regarding how the items will be paid for; and not requiring that the items must be delivered to a specific delivery location because the items were paid for in a particular way (e.g., particular payment mechanism, by a particular person).

Rimes suggests, that during processing orders can be independent in this manner for a variety of purposes such as improving efficiency and providing greater options/variety in fulfilling orders.

In Rimes, a relationship is established between the items (e.g., products) that are delivered to a destination (e.g., warehouse) which is independent from the relationship between the items (e.g., products) and their payment mechanism (e.g., payment method). See Rimes, Figs. 1,2,3A,3B,[0029]-[0031])

Art Unit: 3693

Claims 19-22

Examiner asserts that Applicant failed to properly traverse the Official Notice finding(s) in the previous office action. Adequate traversal is a two-step process. First, applicant(s) must state their traversal on the record. Second and in accordance with 37 C.F.R. 1.111(b) which requires applicant(s) to specifically point out the supposed errors in the Office Action, applicant(s) must state why the Official Notice statement(s) are not to be considered common knowledge or well known in the art. In this application, while applicant(s) have clearly met step (1), applicant(s) have failed step (2) since they have failed to argue why the Official Notice statement(s) are not to be considered common knowledge or well known in the art. Because Applicant(s)' traversal is inadequate, the Official Notice statement(s) are taken to be admitted as prior art. See MPEP 2144.03.

Claim 21 appears to have a typing error. The claims recites "the identifier of a relationship type" however, Applicants Remarks mention "the identifier of a relationship quantity.

Please see response supra pertaining to features not recited in the claims.

Claims 25-27

See prior art citations supra.

Please see response supra pertaining to broadest reasonable interpretation and explanation of Rime.

Please see response supra pertaining to features not recited in the claims.

Additional remarks and suggestions

Measures taken by Applicant to more clearly articulate what is the disclosed invention would help to advance prosecution:

1. Define terms. Terms and phrases such as “object”, “aspect of an order”, “relationship” have broad universal meaning. What the Applicant considers to be the characteristics or attributes required of these terms is not evident from the claim language.
2. The claimed invention mentions “establishing relationships” (e.g., between objects, representations etc.). What is the purpose of establishing these relationships? What is the result, outcome, or benefit that is derived? This should be in the independent claims.
3. The claims should recite the active steps required in the method claims and structural elements required in the system claims.
4. The present claims raise a question as to the limiting effect of the language in the claim. The claims recite language such as “wherein”, intended use statements (e.g., “computer-readable medium for”, “instructions for”) etc. This type of language can be interpreted as optional or suggestive language.

For example, several dependent claims recite language comparable to the following example “**wherein** the step of creating a plurality of a first type of object **includes** creating a plurality of item objects.” This does nothing to define what an object is, or more specifically what the first type of object is. To “include” something is open language that just provides one possibility or option for what the object can be but, does not prevent anything else from being an object or first type of object.

MPEP § 2106 II C states:

USPTO personnel should begin claim analysis by identifying and evaluating each claim limitation. For processes, the claim limitations will define steps or acts to be performed. For products, the claim limitations will define discrete physical structures or materials. Product claims are claims that are directed to either machines, manufactures or compositions of matter.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3693

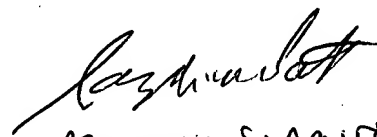
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC


PRIMARY EXAMINER Au 3693
JAGDISH N. PATEL
PRIMARY EXAMINER